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ABSTRACT

The Student Press Law Center serves as a national clearinghouse to collect, analyze, and distribute information on the First Amendment rights of student journalists and journalism teachers and on violations of these rights in high schools and colleges. This report details information concerning current censorship incidents: the investigation by the United States Post Office of the Bennett Publishing Company, charges of censorship brought by an Illinois school-district publications adviser, various violations of First Amendment rights in the Maryland public schools, and similar occurrences in Ohio and Wisconsin high schools. At the college level, topics discussed include the dismissal of an editor from the University of the Pacific (California), protest by members of the United Farm Workers against Gallo wine advertisements run in the California college press, the adoption of an open-meetings policy in Illinois, and conflicts in Michigan, Mississippi, New Jersey, Ohio, and Tennessee institutions of higher learning. (KS)

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About the Student Press Law Center

The Student Press Law Center serves as a national clearinghouse to collect, analyze and distribute information on the First Amendment rights of student journalists and journalism teachers and on violations of these rights in high schools and colleges. The Center also provides direct legal assistance and advice to students and journalism teachers experiencing censorship problems and to attorneys defending student expression.

To assist the Center in collecting information, individuals with knowledge of censorship incidents are asked to inform the Center about specific situations so that the Center can share this information with all interested organizations.

Students and teachers interested in learning more about First Amendment rights, or who need legal assistance, should contact the Student Press Law Center, Room 1112, 1750 Pennsylvania Ave. NW, Washington, DC 20006, 202-872-1620.

Additional single copies of this report may be obtained free upon request. Multiple copies at cost.

U.S. POST OFFICE INVESTIGATING BENNETT PUBLISHING COMPANY

In September 1975, Gregory Paul York registered with the Maine State Chamber of Commerce as the owner of Unclaimed Scholarships Company, which he described as an organization designed to research, compile and market a list of financial aid sources for college students. York placed ads in student newspapers across the country for the guide, a 15-page mimeographed list for which students paid $13.95.

After receiving complaints from newspapers which were not paid for the advertising, York told the staffs that Unclaimed Scholarships had been sold to Chesapeake Marketing Company of Jersey City, New Jersey. The staffs subsequently learned that Chesapeake Marketing was not an operational firm.

In January 1976, York established Bennett Publishing Company in Boston, Massachusetts. More than 1500 high school and college papers across the country received purchase orders to run an ad for a $5.95 "Guide to Money for Higher Education."

In early March, the Student Press Law Center began receiving complaints that papers had not been paid for the ads. An investigation by one paper, the *Warrior* of Wantaugh (New York) High School, reported that the telephone number listed on Bennett's letterhead was an answering service and that the listed address was that of a firm named Private Mail Boxes, Inc.

On March 25, the Student Press Law Center contacted York, who said that Bennett did not have assets to pay for the advertising. According to York, Bennett received only $10,000 from the sale of "Guide to Money for Higher Education." York estimated that Bennett owed $140,000 to newspapers carrying the ad.

In response to a July 8 *Portland* (Maine) *Press Herald* article concerning the situation, York told the newspaper that he intends to pay the debts. Presently, complaints are being handled by York's attorney. York is currently living in Miami, Florida and continues to receive orders and to ship guides from a Portland post office box.

State investigators in Maine and Massachusetts are examining complaints concerning York's companies, and postal service officials are investigating the firm for possible violation of mail fraud statutes.

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HEW RELEASES REPORT URGING CREATION OF ADOLESCENT HEALTH CARE PROGRAMS

In April 1976, the Department of Health, Education and Welfare released "Approaches to Adolescent Health Care in the 1970s," a report which characterized American teenagers as "medically underserved."

"There is still no satisfactory health care system available in the United States, and few adolescents are receiving appropriate or adequate health care," Hilary E. C. Millar, chief of the HEW health quality services branch, charged in the report. Citing high teenage smoking and runaway statistics and increases in adolescent drug use, venereal disease, emotional disorders and suicide rates, Millar urged the creation of youth physical and mental health programs addressed to these problems.

In addition, the report noted, "Two out of thirteen first births in the United States are to girls who are so young that they are biologically 'at risk' in childbearing . . . Therefore, the opportunity for health education, birth control and prenatal care should be priority goals in any programs for adolescents. The option for abortion counseling and services should be available within the limits of the law."

The report is on sale by the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C., 20602. The price is $1.50 per copy.

High School

AEJ PASSES RESOLUTION ON HIGH SCHOOL PRESS RIGHTS

On August 3, 1976, during the Association for Education in Journalism convention at College Park, Maryland, the Resolution Committee passed a provision concerning students' First Amendment rights.

It was resolved that AEJ consider high school press freedom cases with the same urgency and concern as university and professional cases, with the recognition that the First Amendment extends to the high school press.

CALIF SENATE KILLS VASCONCELLOS BILL ON STUDENTS PRESS RIGHTS

In early 1975, California State Assemblyman John Vasconcellos (D-Santa Clara) introduced a bill to add the right to free expression in student newspapers to the section of the California State Education Code which enumerates First Amendment rights of high school students (Section 10611). According to Assemblyman Vasconcellos, the bill sought to specifically include the right of expression "in unofficial or official school publications among the rights currently guaranteed . . . in the Code."

On August 11, 1976, the California Senate, by a vote of 21 to 11, defeated the bill.

CALIF HIGH SCHOOL ADMINISTRATION ADVISER SUED IN CENSORSHIP CASE

On March 22, 1976, Lynwood (California) High School journalism adviser Mark Deering censored a bicentennial satire from the opinion page of the *Castle Courier*, the school newspaper. Deering said he believed references of the sexual conduct of specific students contained in the satire were unsuitable for a student publication. When Editorial Editor Daniel St. Ledger protested the censorship of the article, Principal Marvin McKown supported Deering's decision.

The following day, Deering denied publication of four additional items: an editorial concerning the school's dress code which he found contrary to school board policy; a review of the television program "Mary Hartman, Mary Hartman" which he felt "advocated pornography"; and an opinion and editorial cartoon on censorship which he deemed inappropriate for the *Castle Courier*.

Accompanied by two other staff members, St. Ledger returned to McKown's office to discuss the censorship question. McKown agreed with Deering's decisions, and confirmed his right to censor the newspaper. However, McKown refused to allow the students to view the policy which he said authorized the censorship.

In a March 24 meeting with St. Ledger, Superintendent of Schools Hyrum Loutensock stated that students were not allowed to publish editorials against school board policy or articles concerning sex. Loutensock also said that the *Castle Courier* was a school organ, and that it was subject to review by Deering and McKown.

On March 30, Deering informed St. Ledger of his removal from the position of Editorial Editor. Deering contended that St. Ledger had continued to force the issue of censorship and was dividing the journalism class on the question.

At a subsequent meeting with St. Ledger and McKown, Deering stated that the *Castle Courier* was not a forum for student expression, and that St. Ledger had used the editorial page to express his personal views. Reaffirming his support for Deering, McKown said that he would not consider reinstating St. Ledger.

On April 7, attorneys for the American Civil Liberties Union went to Los Angeles County Superior Court seeking a declaratory judgment and injunctive relief against Deering, Loutensock, McKown and the Lynwood City Board of Education on behalf of St. Ledger and three other *Castle Courier* staff members. The students sought the reinstatement of St. Ledger as Editorial Editor and freedom from prior restraint.

On April 13, the Lynwood City Board of Education ratified the actions of Deering, Loutensock and McKown. The board did not discuss or examine the censored articles or the propriety of St. Ledger's removal.

Although the ACLU won a preliminary injunction on May 14 preventing the board of education from firing St. Ledger,

their request that Lynwood school officials be directed to permit publication of the articles in question was denied pending further proceedings to determine who has ultimate control of the paper.

CALIFORNIA HIGH SCHOOL OFFICIALS SUED AFTER BANNING ANTI-ADMINISTRATION ARTICLES

In September 1975, Antelope Valley (California) High School Vice-Principal Royce Van Norman reviewed and prohibited publication of two articles written by students John Gilbert and Ned Underwood for inclusion in the school newspaper, the *Sand Paper*. The censored items were a parody of the school dress code and a discussion of freedom of expression. Van Norman said he followed established policy of denying publication of any newspaper articles critical of the school board, administration, or their policies.

In response to the action, *Sand Paper* Opinion Editor Frank Pryor decided to publish an announcement that the articles had been censored, followed by excerpts from the First Amendment, an article by Van Norman on school administration, and administrative regulations concerning student expression. Publication of the announcement was also denied by Van Norman.

When Pryor then attempted to insert a replica of the American flag on the blank editorial page, journalism adviser Pat Pomeroy prohibited its publication. Students were not given the opportunity to argue the decisions.

In January 1976, Principal Jim Charmichael admonished Gilbert and Pryor against printing "negative" articles in the *Sand Paper*, and criticized the students for using the editorial page as a forum to express views contrary to the administration.

During March, the American Civil Liberties Union of Southern California brought suit in Los Angeles County Superior Court on behalf of the three students, charging Charmichael, Pomeroy and Van Norman with illegal censorship and violation of First Amendment rights. The students sought a declaratory judgment and injunctive relief preventing future censorship and restraints on distribution of school publications.

HOLTVILLE CALIFORNIA SCHOOL APPEALS COURT ORDER ALLOWING ALTERNATE PAPER ON CAMPUS

In the fall of 1975, Holtville High School (Holtville, California) student Lisa Pliscou began publishing her own newspaper, *The First Amendment*. The paper began as a project of the school's chapter of Quill and Scroll after Pliscou was removed from an editorial position on the school's official student newspaper.

When school officials interfered with distribution of Pliscou's paper, she brought suit in U.S. District Court in October 1975 seeking a ruling that school authorities had acted unconstitutionally. Pliscou also sought $1.6 million in damages.

On December 15, 1975, the District Court ruled that Pliscou and Quill and Scroll had the right to publish and distribute a newspaper on the Holtville High campus (*Pliscou v. Holtville Unified School District*, 411 F. Supp. 842).

In the spring of 1976, school officials appealed the ruling to the U.S. Court of Appeals for the Ninth Circuit citing undue interference by the District Court in the operation of Holtville High. Pliscou's San Diego attorney, Tom Adler, told the Student Press Law Center that, in his opinion, the appeal is an example of "the school's use of unlimited funds to beat this girl."

The trial on Pliscou's $1.6 million damage claim will not go forward until the appeals court decides the appeal. The trial is now set for January 1977.

By May 28, 1976, Pliscou had published two issues of *The First Amendment* and distributed them on campus pursuant to the District Court's order.

The controversy over Pliscou's paper has not been confined to the courtroom. In late May, the Pliscou family received a series of threatening phone calls. Callers warned Pliscou's parents, "We are going to see to it that your kid doesn't put out any more newspapers."

In early June, two pieces of concrete curbing were thrown at the Pliscou's car in front of their home at 1:30 a.m. The concrete pieces struck the trunk of the car and shattered the front window on the driver's side. According to police reports, the concrete came from a damaged curb in front of Holtville High School.

FLA. COURT RULES FOR PALM BEACH PAPERS IN SCHOOL OFFICIAL LIBEL

Beginning in 1969, *The Palm Beach* (Fla.) *Post* and *Times* published several hundred news articles, editorials and cartoons which were critical of the administration of the public schools by then-superintendent Lloyd F. Early. The newspapers charged Early with incompetence, indecisiveness and nepotism.

Early sued the newspapers, two editors and two reporters for libel in 1970, claiming that the articles were false and published with actual malice (see *PCN V*, p. 13). In 1974, a Circuit Court jury awarded Early $1 in compensatory and punitive damages.

The newspapers appealed the verdict to the District Court of Appeal, arguing that they were "entitled under the First Amendment" to express their opinion on the administrator's competence. They also claimed that the trial judge did not properly instruct the jury on the *New York Times* "actual malice" standard that applies in a libel suit brought by a public official.

On April 23, 1976, in a unanimous decision, the appellate court reversed the jury award and ordered the trial court to enter a verdict in favor of the *Post* and *Times*.

The court said: (1) there was no evidence that the papers had acted with actual malice; (2) there was no implication of defamation when several allegedly libelous statements were taken "in proper context;" and (3) the charges that Early was inept and incompetent were matters of opinion and were thus protected by the privilege of "fair comment."

Early has appealed the decision to the Florida Supreme Court which has not decided whether it will review the case.

ILLINOIS SCHOOL DISTRICT PROPOSES PUBLICATIONS BUDGET CUT; ADVISER CHARGES CENSORSHIP

In December 1975, the Glenbard High School District 87, in Lombard, Illinois eliminated the faculty position of Business Manager for school publications. In April 1976, the Board of Education proposed an additional 1976-77 publications budget cut of $24,000, which was 75 percent of the previous allotment.

An average of $3,000 paid annually to each of the district's eight advisers for their release periods will be eliminated if the proposal is apporoved. In place of release periods, which have been used for publications work, advisers will be assigned an extra course.

Glenbard School District student publications are self-supporting. Advisers' salaries constitute the only district expense for student newspapers and yearbooks.

Supported by concerned parents, Howard Spanogle, adviser of Glenbard East High School's award-winning newspaper, *The Echo*, confronted the Board of Education over the proposed cut on April 12. Spanogle charged: "Is there any possibility that this cut is favored because the results would obviously hamper an activity that has been traditionally unpopular among school administrators?" The adviser also noted that the publications budget cut was "extremely large" in comparison with the cut proposed for athletic programs.

Spanogle stated, "I think the result would be that there will be no literary publications of any quality in the district."

"To cut $1 million out of a budget, you have to cut in various areas," said Board Member Lloyd Spear. "We try not to completely ruin a program."

Opposing the cut, over 250 community members placed a full page ad in the May 7 *Echo* headlined "Keep Publications Alive in Glenbard Schools." In addition, *The Downers Grove Reporter*, printer of three of the district's four student newspapers, offered a ten percent rebate to the papers for the 1976 academic year to help retain publications advisers' release periods.

After Glenbard East's principal informed him of the working conditions for 1976 advisers and limited the *Echo* to 11 issues per year, Spanogle expressed his intention to resign.

Next year's *Echo* editor is currently devising a plan for community financial support of the publication. Final action on the budget will be taken following a public hearing concerning the cuts in September.

BALTIMORE STUDENTS APPEAL NEW SET OF RULES BY SCHOOL OFFICIALS

In the fall of 1973, student journalists at Woodlawn Senior High School in Baltimore County, Maryland, were prevented from distributing their underground newspapers on school grounds because school officials disapproved of the content of those publicatioins.

The censored students filed suit in the spring of 1974 in U.S. District Court, alleging that school officials had employed unconstitutional prior restraints in preventing distribution of their underground-newspapers. The District Court ruled against the students.

However, on appeal the U.S. Court of Appeals for the Fourth Circuit reversed the lower court (*Nitzberg v. Parks*, 525 F.2d 378). The Court of Appeals held that underground newspapers could be reviewed by school officials before distribution, but only pursuant to written rules. Such rules, said the court, must specifically define the type of material prohibited. Terms such as "disruption," the court ruled, must be defined in the rules. In addition, the court ordered that any rules calling for prior review of student newspapers must allow students the opportunity to appear and argue their case in favor of distribution. The court found that Baltimore County's rules did not meet these standards and were unconstitutional.

On February 13, 1976, Baltimore County school officials presented a new set of rules for the District Court's approval, saying that the new rules met the criteria set by the Court of Appeals.

The students replied that the rules did not meet the standards imposed by the appellate court. Among other things, the students asserted that the new definitions of the words "disruption" and "obscenity" were too broad and allowed school officials to suppress material protected by the First Amendment.

The District Court ruled against the students on May 25. In a one paragraph order, the Court held that the new rules did conform to the appellate court's earlier decision and could be implemented by school authorities.

On June 7, the students filed a notice of appeal indicating their intent to appeal the decision to the Court of Appeals.

MARYLAND HIGH SCHOOL ATTEMPTS CENSORSHIP OF ALTERNATE PAPER

After the administration of Westminster (Maryland) High School required that all future issues of *The Owl*, the official school-sponsored publication, be subject to its prior review and approval, student editor Stephen A. Thomas established *The Original*, a non-school-sponsored newspaper. Thomas sought freedom from official approval of student writing, and financed the paper with personal funds, advertising and sale of the paper.

The first issue of *The Original*, which appeared in April 1976, was not censored, although attempts to stop publicity concerning its sale were made by Westminster's administration.

Before publication of the second issue, Thomas was warned that distribution of his newspaper on campus would be prohibited unless he allowed administration officials pre-publication review and approval of *The Original*.

The Student Press Law Center advised Thomas that prior review of "underground" publications may be required in Maryland, "but only pursuant to detailed and precisely drawn regulations designed to mitigate the negative impact

on freedom of expression caused by prior restraints." Since Westminster had failed to provide detailed safeguards, said the Student Press Law Center, the system of prior review employed against *The Original* was unconstitutional. In particular, Westminster's regulations lacked provision for an opportunity to appeal to a higher authority in the case that material was censored.

In addition, Westminster's administration desired control over the newspaper's finances. The Student Press Law Center concluded that the unofficial nature of *The Original* afforded school officials little basis to control the paper's funds.

Although the Carroll County School System conceded that it was unable to censor *The Original* because of the lack of an appeals procedure, the administration nevertheless reviewed and approved the distribution of the second issue.

MARYLAND HIGH SCHOOL BANS ALTERNATE STUDENT PUBLICATION

In March 1976, *The Rag*, a non-school sponsored publication produced by students at Springbrook High School in Montgomery County, Maryland, was distributed to Springbrook students. *The Rag* carried a high school sexual behavior survey, advertisements for apparatuses that could be used to smoke marijuana, and a photograph of Building Monitor Austin Patterson with a caption in cartoon form surrounded by musical notes, reading "everybody must get stoned."

Springbrook's principal stopped distribution of *The Rag* shortly after its inception, contending that it did not fulfill the requirements of the Montgomery County Policy Statement on Student Rights and Responsibilities.

The principal said he felt that the advertisements encouraged use of marijuana and endangered students' health. He also characterized the sexual behavior questionnaire conducted and evaluated by *The Rag*'s staff as potentially disruptive. The survey's analysis concluded in general that black students participate in sexual intercourse at an earlier age than white students. In addition, the principal said he felt that Patterson was portrayed as supporting drug use, an image directly contrary to his official role.

Contacted by students for legal counsel, the Student Press Law Center advised that "school officials may only restrict student expression where the material in question is obscene, libelous, or creates a material and substantial disruption of the school." According to the Student Press Law Center, the three items did not meet this description and there was therefore no legal basis to ban the publication. Since Montgomery County's Policy Statement did not meet necessary procedural requirements, the Student Press Law Center labeled the Policy Statement constitutionally invalid.

Refuting charges of libel concerning the "photoon" of Patterson, the Student Press Law Center asserted that it was "obviously humorous and done without malice . . . . The picture makes no false statements, and no reasonable reader would consider the caption a direct quote by Mr. Patterson." Regarding the sex survey and advertising, the Student Press Law Center advised that, in the absence of any indication of disruption of school functioning or injury caused by the references to marijuana, the items could not be legally prohibited.

In May, the students used the Student Press Law Center's opinion to challenge the legality of the principal's action in a hearing with Helen Johnson, the school's area assistant superintendent. Johnson supported the principal's ban, and the students chose not to appeal the decision.

MARYLAND HIGH SCHOOL BARS STUDENT POLL ON TEACHERS AND COURSES; REVERSES POSITION

During February 1976, George Aposporous, a student at Walter Johnson High School in Montgomery County, Maryland, decided to conduct a survey of student opinion on the teachers and courses at his school. Aposporous planned to publish and distribute the results of his survey to Walter Johnson High students.

Some school administrators and faculty members opposed such a survey and told Aposporous that he could be suspended and sued for libel for distributing the results. In addition, the Montgomery County Education Association threatened to seek a court injunction to prevent distribution of the questionnaire.

When a select group of teachers refused to distribute the survey in their classes, the students announced their intention to conduct the poll and publish its results to the entire faculty. After negotiating with students, teachers voted down a proposal that the survey results be discussed in class rather than distributed.

The Student Press Law Center referred Aposporous to Gary Howard Simpsom, an attorney with the American Civil Liberties Union of Maryland. Immediately before a student assembly concerning the survey, Simpson conferred with the administration, which reversed its earlier position by renouncing any authority to interfere with distribution of material by students.

In a referendmum conducted at the assembly, students approved the publication of the poll results. However, the student Course Evaluation Committee shelved their survey plans in April because less than twenty percent of Walter Johnson's total student population had voted.

MARYLAND HIGH SCHOOL REPORTERS BREAK MOSCOW RADIATION STORY

Following the public disclosure that high levels of radiation had been discovered in the United States ambassador's mansion in Moscow, students Richard Berke and Michael Gill reported in the April 30, 1976 edition of "The Black and White," the student newspaper at Walt Whitman High School, Bethesda, Maryland, that the radiation had existed in 1959. According to Berke and Gill, who obtained their information from "a highly placed government official," then Vice President Richard Nixon was exposed to the radiation in that year.

After the story was confirmed by two former Secret Service agents, an Associated Press dispatch based on the

article was carried by newspapers around the country. The paragraph attributing the story to Berke and Gill was not included in some papers. Since the story was copyrighted, Berke and Gill say they are investigating the possibility of legal action.

SUPREME COURT REJECTS LIBEL APPEAL BY MARYLAND SCHOOL PRINCIPAL

In November 1973, Maryland school principal Fred Dunn won a $281,000 libel judgment against *The Montgomery County Sentinel* stemming from a 1971 article which described him as "unsuited" for the job.

The *Sentinel* appealed the judgment to the Court of Special Appeals in September 1974, arguing that the description of Dunn was privileged under the First Amendment.

On July 23, 1975, the appellate court reversed the judgment and said that Dunn, who was a public figure, had failed to show that "the statements concerning his conduct were false, and that they were published with actual malice" as required by *New York Times v. Sullivan*, 376 U.S. 254.

"We believe that comments, criticisms and opinions concerning the involvement of public persons in matters of public or general interest or concern are within the protection of the constitutional privilege . . . Where the statements are actual expressions of opinion, based upon stated . . . facts, their objective truth or falsity depends on the veracity of these underlying facts."

The court then said that only one instance of falsity had been proven - - an alleged censorship of the school newspaper. The court said that the false statement was based upon erroneous information given to reporters by members of the school staff and did not rise to the level of malicious error.

Dunn appealed the case to the Maryland Court of Appeals, the state's highest court, which declined to review it in January 1976 (see *PCN IX*, p. 72). Dunn then appealed to the U.S. Supreme Court, which declined to hear the case on June 1, 1976.

OHIO ADVISER FIRED AFTER NEWSPAPER CRITICIZES PRINCIPAL

In October 1975, *Imprint*, the official newspaper of Norwalk (Ohio) High School published an article which revealed that Principal George Perry had used $120 from the student fee fund to pay for his membership in the National Association for Secondary School Principals. Although the legality of the expenditure was confirmed by the *Imprint*, an accompanying editorial stated "we find it curious that he [Perry] deems it necessary to fund his membership from the activity fee, and even more so when faculty must pay for memberships to teaching associations from their own pockets." Perry defended his action in the *Imprint* and in *The Norwalk Reflector*'s coverage of the story by noting the benefits he said the organization afforded the students.

Following the publication of the October *Imprint*, Perry evaluated the teaching performance of second-year journalism adviser J. Richard Norton as "marginal."

In a second incident, an editorial in the November 14 *Imprint* criticized inequities in administrative treatment of student extra-curricular activities, making statements concerning Perry's views on the subject. On November 17, Perry denied making the statements attributed to him by the *Imprint*.

On November 18, Perry again evaluated Norton's teaching as "marginal."

Citing Norton's alleged inability to maintain control and discipline in classes as the reason for his action, on February 27 Perry labelled Norton's teaching performance "unsatisfactory" for the the 1975-76 academic year. Perry recommended that Norton not be rehired.

Norton presented his case to the school board at a hearing in March. He contended that the evaluations were not conducted in accordance with other teacher evaluations. Norton avoided discussing the possible connection between his ratings and the *Imprint*'s criticism of Perry, although the *Norwalk Reflector* quoted Norton as stating that "there is not one who believes that this [dismissal] isn't retaliation for what the newspaper has done because it has made life somewhat difficult for Mr. Perry this last year." At the session, Norton received support from parents, students and other teachers.

In April 1976, the Norwalk Board of Education voted 3 to 1 to support the principal's recommendation that Norton be dismissed for the following school year.

The Student Press Law Center referred Norton to American Civil Liberties Union attorney Norman Beller to investigate possible legal action.

OHIO HIGH SCHOOL PUBLISHES ABORTION SURVEY

Beginning April 9, 1976, the Lakewood High School paper, *The Lakewood High Times*, in Lakewood, Ohio, ran a series of articles on abortion and birth control. The first article concerned facts, statistics and laws pertaining to abortion. A second article on April 15 contained statistics and information on various forms of birth control.

The articles provoked controversy among faculty members and in the community. In a letter to the editor of the *Lakewood Times*, one faculty member expressed his view that the articles were given too much priority in news coverage. One parent expressed his view that the articles were too explicit and inappropriate in a high school paper.

Student editors planned to publish a third article, which was to report on the results of a survey of student views on abortion. But, Lakewood High's principal denied the request for the survey saying, "The survey proposal as stated could not, in my opinion, provide valid data for another story."

However, after consultation with other high school administrators, the principal changed his position and the article appeared in the May 21 issue.

WISCONSIN HIGH SCHOOL BANS STUDENT BROADCAST PROGRAM AFTER VIOLATION OF PRIOR REVIEW POLICY

In December 1975, students of a broadcast club at Memorial High School in Madison, Wisconsin carried an editorial concerning teacher negotiations over the school's public address system. The editorial had not been submitted for prior approval by the school's assistant principal, as required by the bylaws of the broadcast club. As a result, Principal Richard Schaefer prohibited future student use of the system. Schaefer later said he believed that public debate stimulated by the editorial could have jeopardized negotiations.

The student program was reinstated after one month, although the students chose to end broadcast of editorials in order to insure the future of their morning announcements. Prior approval continued to be required by the administration.

WISCONSIN HIGH SCHOOL STUDENTS FILE SUIT AGAINST BOARD POLICY

Prior to the December 19, 1975 issue of the *Night Crier*, the official school paper at Slinger High School (Slinger, Wisconsin), student editors Kathleen Ostrander and Bonnie Borcherding controlled assignment of topics to be reported on and determined which articles would be printed in the newspaper.

A letter to the editor was deleted from the Christmas issue at the insistence of Superintendent Stanley Sprehn and adviser Peter Dargiewicz. The letter called for an end to rumors spread by students regarding a personal relationship between a student and a teacher. School officials decided that the letter was "too timely" to be printed.

Editor Ostrander believed the deletion was in violation of students' rights and contacted Attorney Randall Reinhardt for legal assistance. At the January 1976 school board meeting Reinhardt informed the board that deletion of the letter was unconstitutional. He stated that a lawsuit would follow if the letter were not printed.

The letter was subsequently printed in a special issue in February along with an editorial by Ostrander critical of the censorship.

On March 3, the school board instigated a new policy by creating an advisory council to review and establish criteria for selection of articles in the *Night Crier*. The advisory council consisted of three faculty members and two student members. The criteria applied were: "Is it timely? Would it be of general interest to the students and faculty? Is its authorship identified?"

Ostrander wrote an editorial critical of the new school policy and submitted it to the advisory council for approval. She stated that the new policy would take the paper out of the students' hands and allow the paper to become the voice of the Slinger School Board. The council refused to allow the letter to be printed.

On May 11, Ostrander and the Wisconsin ACLU filed a lawsuit in the U.S. District Court for Eastern Wisconsin. The suit sought a restraining order to keep officials from preventing publication of the editorial.

Judge Myron Gordon issued the restraining order, characterizing the school board policy as potentially unconstitutional. The school board rescinded the policy but said it planned to rewrite it.

College

U OF PACIFIC EDITOR DISMISSED; ADMINISTRATION SEEKS EXPULSION FOR PRINTING PROSTITUTION STORY

In April 1976, the student senate of the University of the Pacific, a private institution of 3,000 students in Stockton, California, selected Ned Tolbert as editor of the *Pacifican*, the university's student-run weekly newspaper.

Shortly after taking office, Tolbert submitted to the senate's finance committee a projected 1976-77 budget including a proposed expenditure of between $10,000 and $12,000 for new composition equipment. Tolbert refused to submit a new budget after the capital expenditure was turned down by the senate.

In a subsequent edition of the *Pacifican*, it was reported that the school's communications arts department had agreed to fund the newspaper operation, including purchase of the new equipment. This course of events, according to university sources, became a source of friction between Tolbert and the student senate. The senate had sought to maintain the paper as an independent entity in the face of efforts by the communications arts department to transform the *Pacifican* into a "laboratory newspaper" for its journalism program.

Arrangements for funding from the communications arts department subsequently collapsed.

When Tolbert again refused to submit a budget to the senate, the finance committee prepared its own projected allocation to the paper.

At the same time, according to student body officials, a movement was begun to dismiss Tolbert for mismanagement and lack of cooperation.

In late April, Tolbert's predecessor informed him that several incidents of prostitution had been reported on the

campus, and urged an investigation by the newspaper. Tolbert assigned Anthony Bryant, an associate editor, to pursue the story.

In early May, Bryant reported that he was prepared to write a story about the presence of prostitution on campus based on one source, a female student, who claimed to have known several of the girls involved , and another source, a male student, who attested to having purchased such services. Prior to publication, said Tolbert, he consulted the *Pacifican*'s faculty advisor, who told him the story appeared to have been responsibly gathered and written, and encouraged Tolbert to print it.

On May 5, 1976, the *Pacifican* carried a front-page story reporting the presence of a prosititution ring on campus, based in a particular dormitory, established and operated by freshmen women seeking money to pledge sororities, and frequented by, among others, members of the university's football team. A suggestive picture depicting a young woman leaning on a lamppost accompanied the story.

The following week, Tolbert was dismissed as editor by the student senate. Student officials said the article had no bearing on their decision, but the timing of the move led to charges among those close to the newspaper, that it was motivated by adverse reaction to the controversial story.

After the article was published, the female source partially retracted her statements to the *Pacifican*, reportedly because of pressure resulting from the unofficial disclosure of her identity. The *Pacifican* also published a retraction of the story in a special edition.

In late May, Tolbert was charged by the Joint University Judiciary with "irresponsible use of the student newspaper", representing the student body and the university "negatively and unfairly" in the paper, and acting in a manner "contrary to the best interests of the school." The judiciary, which is composed of three students, three faculty members and three administrators, scheduled a hearing on the charges.

Tolbert has obtained legal counsel through the Center for the Rights of Campus Journalists from the National Lawyers Guild and has succeeded in postponing the hearing , the outcome of which could lead to his dismissal from the school. The newspaper is under the temporary supervision of its faculty advisor, with a new student editor to be appointed in the fall.

The University's action, according to some sources, has so intimidated other campus journalists that aggressive and potentially volatile reporting is not likely to appear in future editions of the *Pacifican*.

One source said he believes the controversy has "totally killed" active journalism at the school. He noted that many scholarships, including those of Tolbert and Bryant, are "on the line". Informants who could ultimately confirm the veracity of the original account, the source said, are now unwilling to come forward, fearing reprisal from the school's administration.

UFW SUPPORTERS PROTEST GALLO ADS RUN IN CALIFORNIA COLLEGE PRESS

The publication of Gallo wine ads in several California college newspapers during the 1975-76 academic year evoked demands that the advertising be prohibited from groups supporting the United Farm Workers position against Gallo. The demands were allegedly accompanied by theft and trashings of papers from distribution stands, protest demonstrations, and threats of physical violence made to newspaper staff members.

Supporters of the United Farm Workers have been boycotting the products of Gallo, the nation's largest winery, since 1973 when the company refused to renew a labor contract with the UFW and instead signed an agreement with the International Brotherhood of Teamsters.

UFW supporters maintain that newspapers which have published the Gallo ads were acting in support of Gallo's labor practices, while many college editors have maintained that the advertising did not reflect the position of their papers on the labor dispute. Colleges took various actions to resolve this conflict.

At the University of California at Hayward, the campus paper, *The Pioneer*, carried Gallo ads over objections by the Raza-Latia Coalition. The Coalition brought their demand to the University's publications board, which ruled that if *The Pioneer* accepted paid Gallo ads, it must offer free space to the UFW for rebuttal.

Following the publication of a June edition which included a page one ad and an editorial protesting the board's decision, the eight editors of *The Pioneer* resigned. The editorial stated: "By adopting this stance the board has set a dangerous precedent: free and equal space to rebut any advertisement for the asking." Although the board met to reconsider their action, they voted 4 to 3 to affirm the decision. Subsequently, the board proposed an amendment to its operating code which would ban all liquor and wine advertisements from the *Pioneer*.

After threats of violence and the theft of 8,000 copies of the *State Hornet*, the student paper at U.C. Sacramento, editor Dave Miller agreed to stop publication of Gallo advertising. Supporting his decision, the Student Senate ruled that funding for the *State Hornet* would be cut off if the paper continued to accept Gallo ads. Student Senate Chairwoman Patti Payne said, "If we're backing down, we're not essentially backing down on a principal of freedom of the press — we're weighing priorities. We are losing more by trying to run the Gallo ads than we were gaining."

Other incidents related to the Gallo wine controversy, according to reports in the *National On-Campus Report* and *The New York Times* have included the theft of 3,500 copies of the *Highlander* at the University of California at Riverside, the defacing of Gallo posters at the University's Irvine campus and legal disputes at the Davis and Santa Barbara campuses over who should decide the future of Gallo advertising in the campus press.

Major California newspapers ran editorials supporting Gallo's right to advertise. These include *The Oakland Tribune, The Sacramento Bee, The Sacramento Union, The San Mateo Times and Journal*, and *The San Rafael Independent Journal*.

In addition, a spokesman for Gallo stated, "We believe that advertising and editorial matter should remain separate . . . Banning of an ad on political grounds is a short step

away from news censorship." He added, "If the UFW wants to advertise against us, let them pay to do so."

COLORADO YEARBOOK NUDES EVOKE COMPLAINTS

The University of Colorado's 1976 yearbook, sold to students and faculty in May, included 13 pictures of nude students. The pictures purported to depict student life.

According to managing editor, Peter Galante, the dean of student affairs received numerous complaints from parents after publication. Galante said some students complained that the photos of nudes would prevent them from showing the yearbook to their parents.

Claiming this was "the first time it (the yearbook) had sold out in years", Galante stated that the University of Colorado's student government pressured the yearbook staff to refund the $10 yearbook price to "those offended by the yearbook." Although the staff felt refunds might set a "dangerous precedent", it scheduled "one day only" in mid-May for refunds. Galante said all returned yearbooks were immediately resold. He felt many students asked for refunds not because they were offended by the nudes, but "just because they could use ten dollars."

GEORGETOWN UNIVERSITY RADIO RETURNS TO AIR WITH NEW FORMAT

In December 1975, Ken Sleeman was fired as station manager of Georgetown University radio station *WGTB-FM*, after a controversy over the Catholic university's refusal to air public service announcements for the Washington Free Clinic. One Free Clinic function is providing birth control information.

On March 16, 1976, university officials closed the station down to revamp the operation with a new format and a new staff. Former staff members were not allowed to re-enter the station.

On May 14, the Committee to Save Alternative Radio (CSAR) filed a petition with more than 10,000 signatures asking the FCC to deny renewal of *WGTB*'s license. The FCC had already deferred license renewal for *WGTB* due to complaints on the use of obscene language.

In the petition, CSAR alleged that Georgetown University had operated *WGTB* for its own private interests and not the public interest; that the University had deprived the public of *WGTB*'s unique alternative format; that University officials had overreacted to FCC censorship of allegedly obscene language by firing general manager Kenneth Sleeman and by shutting down the station; and that University officials may have misrepresented facts to the FCC regarding the allegedly obscene broadcasts.

On June 16, *WGTB* returned to the air with a new general manager and a new format.

The station now broadcasts primarily music programs, with less emphasis on news and public affairs.

On July 12, 1976, Georgetown University officials filed an opposition to the petition. Ignoring the specific charges raised by CSAR, the University stated that it "has a right to impose upon itself standards of excellence higher than the FCC."

ILL. SCHOOL ADOPTS OPEN MEETINGS POLICY, ASKS DISMISSAL OF SUIT

In January 1975, a reporter for the Northern Illinois University student newspaper, *The Northern Star*, was barred from attending a meeting of the University Advisory Budget Committee.

The editor of the *Star* at the time, Janice Gilarski, protested the closed meeting to NIU President Richard Nelson and said that the meeting was in violation of the state's open meetings act (Ill. Rev. Stat. 1973, Ch. 102, s.41).

The law provides, in part, that "All meetings of any . . . advisory bodies, . . . school districts and any subsidiary bodies . . . including committees . . . shall be public meetings." Under the statute, a meeting may be closed only during discussions of personnel and land acquisition matters.

The school responded that the advisory committee was not subject to the law because the committee was created by the university president to advise him on financial matters and meets only at his call and convenience. The existence of the committee "is not mandated by the legislation creating the Board of Regents or the Board of Higher Education," said the university counsel.

Nevertheless, the school announced it would open all subsequent meetings of the advisory board.

Two weeks later, the NIU Liberal Arts and Sciences College Council created a Budget and Planning Committee to discuss immediate budget cuts and long-range financial planning. The committee closed its first meeting in mid-February and barred another reporter from the *Star*.

On April 9, 1975, the *Star*, editor Gilarski, and the two reporters filed suit against the University Board of Regents and Nelson in DeKalb County Circuit Court. The suit asks the court to order the school to open all meetings of its committees and boards in compliance with the state open meetings law.

Following the filing of the suit, the university announced a new policy to open all meetings of its boards, and, according to the current editor of the *Star*, Pam Woods, the administration has adhered to its policy.

The school cited the policy in its response to the *Star*'s complaint and asked the court to rule that the suit was moot. The paper opposed the motion, saying it believed the open meetings policy should be established as a matter of law. Unless the court rules for the *Star*, noted the editor, the university could modify or rescind its policy at any time.

The suit is still pending.

UNIVERSITY OF IOWA NEWSPAPER STAFF FORMS LABOR UNION

After staff members of the University of Iowa's newspaper, *The Daily Iowan*, encountered discrepancies in salaries and workloads due to the editor's control of wages, student editorial staffers began organizing a labor union in

March 1976. Called "The Union," it is believed to be the first in the nation for the staff of a student newspaper.

Negotiations for wages, hours, fringe benefits and other working conditions continued between the *Daily Iowan* editorial staff and the publisher, Student Publications, Inc., through April. The contract was signed in May. Covering the period from May 14, 1976 through June 1, 1977, the contract provides for two employee classifications. Salaries for the Union's 30 members, who pay no dues, are specified for each classification. The editor now has authority only to assign classifications, not wages.

Daily Iowan Photo Editor Larry Frank said that his salary jumped from $100 to $300 as a result of the negotiations, and that other staff members experienced similar increases.

STUDENT EDITORSHIP TO BE RESTORED AS MICHIGAN SCHOOL REVISES POLICY

In September 1975, officials of Lansing Community College, a state-supported school in Lansing, Michigan, appointed an administrator to the post of editor of the campus newspaper, *The Lookout*. The post had formerly been held by a student.

The following month, a student publications policy known as "Career Integrity" was instituted, placing authority over content of *The Lookout* in the hands of the newly-appointed editor, acting in conjunction with a publications advisory board composed of three students, three faculty members and the director of student activities. The stated goals of the "Career Integrity" policy were to provide "actual professional experience and a professional job reference" for student staff members.

On November 25, 1975, the student government of the college voted to reject the new publications policy and return *The Lookout* to student control. Two months later, Lansing Community College student Patricia Sulcer, a former associate editor of the newspaper, resigned from its staff in protest of the policy and petitioned the publications board to appoint a new student editor. Her petition argued that placing an administrator in the position of editor was in fact a mechanism for censorship by the college administration.

The Student Press Law Center arranged for Sulcer's representation by Lansing attorney Leo A. Farhat and advised her that the new publications policy was a violation of her First Amendment rights.

In February 1976, a special ad-hoc committee appointed by the publications advisory board began to study the problems raised by Sulcer's petition. Its report, completed in May 1976, focused particularly on the role of a student newspaper at a college community and the relationships between student editors and administrative supervisors in the operation of the paper.

The Committee, composed of students, faculty members and administrators, recommended that a student editor appointed by the publications board be solely responsible for the content of the newspaper. The board, however, would retain the right to exercise a prior restraint on publication of any material which it viewed as presenting a clear and present danger of disruption of normal campus activity.

The report also recommended that the publications board — to be composed of three students, three faculty members, one professional journalist and the Director of Student Activities — have the authority to determine the function of the newspaper, approve and review the newspaper's editorial policies, approve operating budgets and set guidelines for content of the publication.

Included in the committee report were several specific injunctions against administrative action which might constitute censorship of the student press. Among these prohibitions were: discipline of a student for printing critical or controversial matter; removal of an editor because of administrative disapproval of newspaper content; suppression of student-written articles which the board deems "irresponsible" or abolition of the student newspaper in its current form.

Also recommended was a process by which students alleging censorship could appeal to the Publications Board for redress of the grievance. The process requires that the board submit to the complaining party its reply and recommendations in writing within three days of the conclusion of hearing the issues. No specific process was outlined for potential complaints of censorship made against the Publications Board.

In May, the publications board of Lansing Community College voted unanimously to accept the recommendations of the ad-hoc committee, and forwarded it to the college's board of trustees for their study and disposition.

On August 12, 1976, the Board of Trustees of Lansing Community College voted to approve the recommendations of the ad-hoc committee report and implement them at the beginning of the academic year in September.

MICHIGAN COLLEGE BLOCKS ON-CAMPUS DISTRIBUTION OF COMMUNITY PAPER

In May 1976, administrators of Oakland Community College in Detroit, Michigan prevented on-campus distribution of copies of the Detroit *Sun*. The free newspaper is designed, according to Co-Publisher Barbara Weinberg, "to reflect the positive, progressive activities in the city, and to analyze and expose some of the corruption and devastation here." The administration offered no consistent rationale for the action, but the *Sun* charged that the censorship "originated with a vendetta by an OCC trustee disgruntled by the college's rule against distribution of partisan literature, and rapidly grew into an attempt by the Board of Trustees to ban the *Sun* because of its content."

Justifying the action, Trustee David Hackett said, "Their [the board's] concern hinges on the effect that controversial material will have on the students." Trustee Lila Johnson stated, "We're beholden to the public relations image of what the community feels about what activities the school sanctions."

After a July 15 press conference and an OCC Trustees' meeting at which students and faculty members protested the ban, an agreement was reached between the *Sun* and the OCC administration to resume the newspaper's free distribution on the campuses.

U.S. COURT OF APPEALS HOLDS MISS. STUDENT EDITOR NOT REQUIRED TO ACCEPT GAY GROUP'S ADS

On August 16, 1973, the Mississippi Gay Alliance (MGA) presented a proposed paid advertisement to The Reflector, the student newspaper at Mississippi State Univerisity. The paper is supported in part by a non-waivable student fee. The proposed ad read as follows:

"Gay Center—open 6:00 to 9:00 Monday, Wednesday and Friday nights.

"We offer—counseling, legal aid and a library of homosexual literature.

"Write to—The Mississippi Gay Alliance
P. O. Box 1328
Mississippi State University
MS 39762."

The MGA described its purpose as providing "a forum where ideas may be discussed, information disseminated, and members freely associate between themselves and their friends." Although not a recognized student organization, the MGA did include MSU students as members.

Bill Goudelock, the paper's editor, refused to publish the ad.

On February 8, 1974, a second attempt was made by the MGA to have an announcement printed in the "Briefs" section of *The Reflector* where the paper regularly ran, free of charge, notices from campus and local organizations. When this attempt was rejected by Goudelock, the MGA brought suit in U.S. District Court. The MGA alleged that the refusal to print the paid advertisement and announcement violated its First Amendment rights and it asked the court to order publication of the ad and the announcement and of future announcements. Damages against Goudelock and University officials were also sought.

The District Court ruled against the MGA on October 25, 1974. Since there was no indication that any University official or faculty member had anything to do with the rejection of the ad or the announcement, the court said, there was a lack of control on the part of the University over the newspaper. Because the decision to reject the MGA's material was made solely by the student editor, the court decided that no "state action" was involved. The First Amendment restricts government action only and the court determined the action of the student editor to be private action not subject to the First Amendment.

The MGA appealed the ruling to the U.S. Court of Appeals for the Fifth Circuit. In a decision issued on August 12, 1976, the appellate court affirmed the district court's decision (*Mississippi Gay Alliance v. Goudelock*, No. 74-4035). The court also said that "the editor of *The Reflector* had a right to take a position that the newspaper would not be involved, even peripherally, with this off-campus homosexually-related activity."

However, in a lengthy dissent, Judge Goldberg expressed his belief that active involvement of University officials in production of *The Reflector* was unnecessary to a finding that the paper was an activity of the state of Mississippi. He noted that the paper was printed on University facilities, was supported by a mandatory fee from students, and carried the "imprimatur" of the state.

Furthermore, Judge Goldberg found that *The Reflector* had been established as a forum for the communications of ideas. Once the state provides for such a forum, said the Judge, it may not discriminatorily forbid the use of the forum by certain individuals because of the content of their proposed messages.

Judge Goldberg believed that *The Reflector* had violated the First Amendment rights of the MGA by refusing its ad since it did accept paid ads and announcements from other groups promoting their activities.

NEW JERSEY APPEALS COURT AFFIRMS REINSTATEMENT OF ADVISER ENDRESS

In April 1974, Patricia Endress, a professor and adviser to the campus newspaper *The Stall* at Brookdale Community College, Middletown Township, New Jersey, encouraged her students to engage in investigative reporting by checking rumors of improper contract awards by the college. A review of school records revealed contract awards to a company headed by a nephew of the chairman of the college Board of Trustees. It was also discovered that the chairman himself was an officer and director of the company.

Two days prior to publication of these facts in *The Stall*, Endress had been granted a new contract giving her academic tenure.

The conflict of interest story was fully reported in an article appearing in *The Stall* and Endress wrote an accompanying editorial condemning the contracts awards and calling for the chairman's resignation.

Immediately following publication, college officials began an investigation which culminated in the firing of Endress on the grounds that she had improperly used *The Stall* to express her personal opinions and had allegedly ordered publication of the editorial over objections of a student editor. College officials also said Endress was responsible for the allegedly libelous content of the material. Her firing and rescission of her contract took place only three days before it was to take effect.

Endress brought suit in New Jersey Superior Court alleging violation of her contractual, due process and First Amendment rights. Her complaint sought reinstatement as well as compensatory and punitive damages against the college and its officials for $100,000.

On April 30, 1975, the trial court awarded the full amount of damages claimed plus an additional $10,000 to cover attorneys fees.

The trial court found that the student editor voluntarily chose to run both the story and the editorial. The court also decided that the story contained no libelous state ments. Concluding that the firing of Endress was illegal, the court said that the true reason for the firing was the incorrect belief that she had libeled the chairman. The court ruled that the firing violated Endress' First Amendment right to comment publicly on the conduct of the chairman of the board and that it violated due process rights since Endress was not accorded a hearing before the firing. On the question of damages, the court awarded Endress compensatory and punitive damages against individual college officials. "Punitive damages," the court said, "are absolutely

necessary to impress upon the people who are in authority that an employee's constitutional rights may not be infringed." The court also awarded back pay and ordered Endress reinstated to her former position.

The college appealed the decision to the Appellate Division of the Superior Court and on August 27, 1976, the appeals court affirmed the lower court's decision. The appellate court agreed that Endress had been wrongfully dismissed because she exercised her First Amendment rights. "We discern no sound basis," said the court, "for disturbing the holding below that just cause did not exist for dismissing plaintiff from her employment."

The court decided that reinstatement was a proper remedy but did not agree with the amount of damages set by the trial court and reduced the award to $5000. The court also said that Endress was not entitled to attorneys fees.

LANDLORD SUES OHIO COLLEGE PAPER

In January 1976, the student newspaper at Ohio State University in Columbus, the *Lantern*, began an investigation into the practices of University area landlords. *Lantern* reporters interviewed Charles William O'Brien, a Columbus realtor, on March 3. After the interview, O'Brien was photographed by a *Lantern* photographer.

According to two stories published in the March 11 issue of the *Lantern* O'Brien owed a number of University area tenants and Columbus businesses $4,044 in small claims and municipal court judgments. In one article, descriptions of sworn statements given to the *Lantern* by University students alleged that there were violations of the Columbus Housing Code at their dwellings, which were managed by O'Brien. O'Brien's photograph accompanied the stories.

The same day the stories ran, O'Brien filed suit against the *Lantern*, its faculty adviser Paul N. Williams, and reporters Terrence J. Ellifritz and David M. Murray. Seeking a total of $860,000 in compensatory and punitive damages, O'Brien charged libel and invasion of his right to privacy.

O'Brien claimed the two articles printed by the *Lantern* were "biased, untrue, malicious and reckless." He also said he had consented to the interview with *Lantern* reporters with the verbal agreement that no photographs would be taken.

TENNESSEE CUTS OFF YEARBOOK FUNDING FOR STATE COLLEGES

In April 1976, the Tennessee state legislature passed an appropriations bill forbidding the use of state funds to produce state college yearbooks.

The measure, an amendment to the general appropriations bill, reads: "No state tax dollars shall be expended for the publication by any university or college of a student annual or yearbook. It is the legislative intent that such publication be self-supporting and that any funds appropriated in this act for such purpose shall be applied to payment of the deficit from previous years."

Responding to an inquiry made by the Student Press Law Center, Senator Leonard C. Dunavant, the bill's sponsor, stated, "I simply felt that a yearbook was not an educational function and benefited only those who purchase the same. I, therefore, felt it unfair to ask the taxpayers to subsidize this activity. In my judgment, this would not prohibit a portion of student activity fees going toward support of this type publication." Student activity fees finance most yearbooks at state institutions.

Tennessee governor Ray Blanton signed the bill into law in April.